

STATE OF CEARÁ
JUDICIARY POWER
ARACATI JUDICIAL DISTRICT
FIRST JURISDICTION

ARREST WARRANT

Process no. 2006.0015.1188-2
Author: State Public Justice
Defendant: Marcial Gerald Layani
Action: Crime against tributary order
1st Jurisdiction Secretary

DR. RAIMUNDO DEUSDETH RODRIGUES JÚNIOR, LAW JUDGE OF THE FIRST JURISDICTION OF ARACATI JUDICIAL DISTRICT, STATE OF CEARÁ, BY LEGAL NOMINATION, IN FORM OF THE LAW, ETC.

The Civil Police Officer of this city, **ORDERS** to whom the present document is delivered, extracted of the above records, that in its fulfillment, there are performed due diligences so as to **ARREST** the defendant **MARCIAL GERALD LAYANI**, North American, single, entrepreneur, Taxpayer's ID No. 525.895.012-34, identity V326094-0, RNE-PF, having his last address been in the Rua Aurélio Câmara, 700 - Dunas - Fortaleza - CE, presently in uncertain and unknown place, turning him into Public Jail in this city, having to remain at this Court's disposal, before order dated 08/07/2007, where according to provisions of articles 312 and 313, Item I, both of the Criminal Code, he was convicted to preventive custody. Execute according to the law.

ELABORATED AND PASSED in this city of Aracati, State of Ceará, on the 15th day of the month of August of 2007 (two thousand and seven). I [here appears an illegible signature] (Moacir da Costa Silvério) assistant judicial analyst typed and I [here appears an illegible signature] (Geórgia Moura da Costa) Secretary Director printed and checked.

[There appears an illegible signature]


Raimundo Deusdeth Rodrigues Júnior
Juiz de Direito Titular da 1ª Vara

RAIMUNDO DEUSDETH RODRIGUES
LAW JUDGE OF THE 1st JURISDICTION

Seal 3076520

The defendant has been accused by the Public Ministry representative as being subject to the penalties presented under Article 1st, Item V, of Law no. 8.137/90.

The accusation was received by this Court by fulfilling requisites of Art. 41 of the Criminal Code, being sent precatory summons letter to the District of Fortaleza for defendant's interrogatory.

The precatory summons letter has been returned without fulfillment, under the allegation that the defendant does not live any more in the address mentioned in the records.

There has been designated interrogatory of defendant via determination of his citation via edital for the day 08/02/2007.

The defendant, duly summoned, did not attend the interrogatory according to certificate of page 102.

One of the reasons that demand the preventive custody ordainment, is the guarantee of penal law application, reason which is certainly corroborated in the *sub examine* case, due to the fact that defendant has evaded the district of guilt, with the intention of escaping the correspondent tongs of the typical facts he incurred.

The practiced crime is punished with imprisonment and the felony is easily verified, even if it might be concluded in its eventual form.

Thus, on the basis of articles 312 and 313, Item I, both of the Criminal Code, I decree the preventive custody of the accused Marciel Gerald Layani, in order to guarantee the penal law application.

The Secretary should issue preventive imprisonment order, sending copies to the Regional and Local Police Departments, as well as to the SSP-Captures.

Having the accused been summoned via edital to be interrogated, and having same neither attended nor constituted lawyer, I herewith determine the suspension of the process according to provisions of Article 366 of the Civil Code.

Notify representative of the Prosecution Service.
Aracati, August 7th 2007


Raimundo Deusdeth Rodrigues Júnior
Juiz de Direito Titular da 1ª Vara

RAIMUNDO DEUSDETH RODRIGUES
LAW JUDGE OF THE 1st JURISDICTION

Receipt:

I received the records on the present date
Aracati, August 10th 2007
[there appears an illegible signature]
Responsible for the Secretary

CERTIFICATE

I certify that the today's designated audience has not been realized, as the interrogating party did not attend, although having been duly summoned via edital. I confirm.

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Moacir da Costa Silvério
Assistant Judicial Analyst

CONCLUSION

I perform the present records to the M.M. Judge on this date.

Aracati, August 2nd 2007

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Secretary Director

Translator's note: [Pages 4 and 5 not to be translated]



GOVERNMENT OF THE STATE OF CEARÁ
PUBLIC SAFETY AND SOCIAL DEFENSE SECRETARY
CIVIL POLICE

INTEGRATED CONSULTATION

<i>Personal Data</i>			
Name	Marcial Gerald Layani		
Filiation	Salomon Layani, Leyla Layani		
Date of Birth	10/20/1968	SIP No. 3040776139	
Identity	V326094-0	Issuing Agency: RFB	FU: FD

<i>Last Address</i>	
Address	Rua Cabaliero 60, apt. 17-A
District	Gonzaga
City	Santos FU: SP Brazil Tel.: -,-

<i>Occurrence(s) as infringing party</i>	
Fact nature	Larceny by fraud
Police Station	Governmental Agency for Defraudations and Falsifications
Provision No. / Year	Inquiry 217 /2004, date of occurrence: 06/01/2004, 15:12
Prosecution date	06/01/2004
Fact nature	Larceny by fraud
Police Station	Governmental Agency for Defraudations and Falsifications
Provision No. / Year	Investigation 180 /2004, date of occurrence: 05/10/2004, 10:30
Prosecution date	06/01/22004

<i>Mandate(s)</i>	
Issued on	08/15/2007 FU:CE Municipal District: Aracati
Jurisdiction	SOLE JURISDICTION OF ARACATI, Our No. / Year: 3 2007
Typed on	09/03/2007 Type: PRISON No. / Year: 1511882 2006
Classification	PREVENTIVE PRISON
Situation	OPEN on 08/24/2007
Mandate Obs.	
Searched Obs.	

<i>Occurrence(s) as victim</i>	
Fact nature	ROBBERY WITH VICTIM'S LIBERTY RESTRICTION
Police Station	Police Station of the 9 th Police District
Provision No. / Year	Occurrence Bulletin 1116/2004 - Occurrence date: 04/11/2004 19:00

<i>Occurrence(s) with witness</i>	
Fact nature	LARCENY BY FRAUD
Police Station	Governmental Agency for Defraudations and Falsifications
Provision No. / Year	Investigation 426 / 2003 - Occurrence date: 12/23/2003 15:04

Law No. 8.137 of December 27th 1990
See law No. 9.259 of December 26th 1995

Defines crimes against the tributary and economic order and against the consume relations, and gives other provisions

THE PRESIDENT OF THE REPUBLIC informs that the National Congress decrees and I sanction the following law:

CHAPTER 1

Regarding Crimes against Tributary Order

Section 1

Of crimes practiced by private people

Art. 1 - It constitutes crime against tributary order to suppress or reduce tribute or social contribution or any accessory by means of the following behavior:
(See Law No. 9.964, of April 10th 2000)

- I - omit information or render false declaration to treasury authorities;
- II - Fraud tributary inspection, inserting inexact elements or omit operation of any nature in document or book requested by fiscal law;
- III - Falsify, distribute, offer, issue or use document to be known as false or inexact;
- V - Deny or not supply, whenever obligatory, invoice or similar document, relating to duly performed sales of goods or service rendering, or offer it in disagreement to the legislation.

Penalty - prison from 2 (two) to 5 (five) years and fine.

Art. 312 - The preventive prison might be decreed as public order guarantee, economic order, by convenience of criminal institution, or to assure the criminal law enforcement when existing crime proof and sufficient authorship indicia (Redaction given by Law No. 8.884, of June 11th 1994)

Art. 313 - In any circumstances foreseen under the previous item, there will be admitted the preventive prison ordainment regarding malicious act. (Redaction given by Law No. 6.416, of May 24th 1977)

I - Punished with reclusion: (Redaction given by Law No. . 6.416, of May 24th 1977)

II - Punished with detention when stated that indicted is idler or, in case of doubt concerning his identity, not supply or indicate elements to clear them out;
(Redaction given by Law No. . 6.416, of May 24th 1977)

III - If defendant has been convicted for another malicious crime, in res judicata, excepting the provisions of sole paragraph of Article 46 of the Criminal Code.
(Redaction given by Law No. . 6.416, of May 24th 1977).